

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6832

BILL NUMBER: HB 1287

NOTE PREPARED: Feb 16, 2006

BILL AMENDED: Feb 16, 2006

SUBJECT: Transportation.

FIRST AUTHOR: Rep. Duncan

FIRST SPONSOR: Sen. Landske

BILL STATUS: CR Adopted - 2nd House

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill has the following provisions.

Newspaper and Electronic Means for Receiving Bids: It requires the Department of Transportation to: (1) publish a notice of the time and place for the receiving of bids for a state highway contract in a newspaper; and (2) provide electronic access to the notice through the computer gateway administered by the Office of Technology.

Removal of Vehicles: It provides for the removal of a vehicle or parts left on a highway in the state highway system within 24 hours after the vehicle or part is tagged.

Class A Misdemeanor: It provides that a person who operates a vehicle in a highway worksite zone (1) in a reckless manner; or (2) attempting to endanger the safety or property of individuals authorized by the Indiana Department of Transportation or the appropriate local entities to be in a highway worksite zone commits a Class A misdemeanor.

Worksite Zone Fee: It authorizes the collection of a highway worksite zone fee under certain circumstances.

Effective Date: July 1, 2006.

Explanation of State Expenditures: *Newspaper and Electronic Means for Receiving Bids:* This part will require the creation or addition to existing web page of INDOT. Expenditures related to the web page creation are expected to be minimal. On average over the last three fiscal years, INDOT has spent approximately \$5,800 on newspaper advertising for bids.

Removal of Vehicles: This provision will add to the workload of the State Police. Specific expenditures related to this activity are indeterminable. The funds affected are the state General Fund, the Motor Vehicle Highway Account, and the Motor Carrier Regulation Fund, all of which support the State Police.

Explanation of State Revenues: (Revised) *Class A Misdemeanor:* There are no data available to indicate how many offenders may be convicted of operating a vehicle in a highway worksite zone in a reckless manner or attempting to endanger the safety or property of individuals working there. If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Worksite Zone Fee: Under current law, if a criminal action, infraction, or ordinance violation violates speed limits in a worksite zone or is a failure to merge, a court may impose a highway work zone fee of \$25.50. (For other traffic violations, the fee is \$0.50). Under the bill, reckless driving that endangers the safety of an individual authorized by INDOT to be in a highway worksite zone is added to the list of circumstances that require a \$25.50 fee.

Background on Worksite Zone Fee: This fee is designated for the Highway Department to pay for the cost of hiring off-duty police as guards at such work zones. The fee is distributed to the State User Fee Fund by the clerk of the court.

Explanation of Local Expenditures: *Removal of Vehicles:* This provision will add to the workload of police entities involved: city and town police departments and county sheriff's departments. Specific expenditures related to this activity are indeterminable.

(Revised) *Class A Misdemeanor:* A Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: (Revised) *Class A Misdemeanor:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Department of Transportation; Indiana Finance Authority; State Police.

Local Agencies Affected: Trial courts; Local law enforcement agencies.

Information Sources: Chris Kiefer, INDOT, 317-233-3601; State Auditor, *Revenue Trial Balance, June 30, 2005*; *BMV Citation Report*; U.S. Department of Transportation, Federal Highway Administration, *Highway*

Statistics.

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